FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.423 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.N. Thakur with Ms. J.P.Kar i/by B.B. Parekhfor the applicants.

Mr.S.S.Pednekar, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 13/2/2006.

P.C.

1. This is an application challenging an order of issuance of process by the Chief Judicial Magistrate in Summary Criminal Case No. 1381/2003. The proper remedy would be to file revision before the Sessions Court. It was sought to be argued that the earlier Criminal Revision No.29/2004 has been rejected by the Sessions Court, Kolhapur. On perusal of the judgment, it appears that the said revision was impugned order relating to recall of process and the Sessions Court held

that such recall of process was not competent in view of the judgment of the Apex Court in the case of Adalat Prasad. In the circumstances, with liberty to file revision challenging the order of issuance of process, present application is disposed off.

2. It is made clear that as far as question of limitation is concerned, if any such application is made for condonation of delay, the same may be decided on its own merits. The Trial Court may not finally dispose of the matter for a period of three weeks from today.

(R. S. MOHITE, J.)